IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7710 of 2007()

CRIME NO.227 OF 2006 OF KASARAGOD POLICE STATION

: PETITIONER/IST ACCUSED

KHALEEL, S/O.MUHAMMED HAJI, ERIYAL,
KASARAGOD.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7710 of 2007

Dated this the 14th day of December, 2007

ORDER

This is the third application for anticipatory bail filed by the same petitioner who is the 1st accused in a crime registered for offences punishable, inter alia, under Sections 326 and 307 I.P.C. The first application was considered on merits and the same was dismissed with directions to the petitioner to surrender before the Magistrate and seek regular bail, submits the learned counsel for the petitioner. The second application was dismissed as not pressed in view of the omission to refer to the previous application in the second application for anticipatory bail. The petitioner has now come again to this Court with a third application for anticipatory bail.

2. The dismissal of the first application for anticipatory bail on merits has now become final without challenge. The petitioner must show change of circumstances if any to justify the fresh prayer for anticipatory bail. No worthwhile change in circumstances are pointed out. I am satisfied that the petitioner

is not entitled for anticipatory bail in as much as he has not succeeded in showing any change of circumstances after the dismissal on merits of the earlier application for anticipatory bail. The learned counsel for the petitioner submits that the petitioner is willing to surrender before the learned Magistrate and seek regular bail. He prays that the petitioner may be permitted to do the same.

3. No permission of this Court is required and the petitioner can surrender before the Magistrate or the Investigating Officer and then seek regular bail.

4. This bail application is, in these circumstances, dismissed. Needless to say that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-